Previous Reference — The Limitation Regn. File of 1896

G.R.S. 57.]

Legis 21-14(1633)

Legs File No. 22 of 1910-11

~~Serial~~ Nos. 1 - 4

1910-11

GENERAL AND REVENUE SECRETARIAT.

(Legislation) 106

Part A: Manuscript for June 1911

"A" Collection. Serial Nos. 1 - 4.

The Mysore Limitation Regulation.

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Serial No. of File	Number and date of letter and contents	Reference	Page in A
1	To the First Assistant to the Hon'ble the Resident in Mysore, No. Pol. 595, dated the 23rd December 1910. Forwards a copy of the Limitation Bill and requests that the sanction of the Government of India may be obtained for its being passed as law.		1
2	From the same No. 964, dated the 18th February 1911. Informs that the Governor-General in Council has accorded his assent to the Bill on the usual understanding as to the retention by him of the power and authority vested in him by virtue of Article 19 of the Instrument of Transfer.		2
3	Order No. J. 3136, dated the 15th May 1911, to the Compiler, *Mysore Gazette*. Directs the publication of the Bill as Regulation IV of 1911.		2
4	To the First Assistant Resident in Mysore No. Pol. 1080, dated the 9th June 1911. Forwards 10 copies of the Regulation as usual.		2

G.R.S.11]

1940-11

GENERAL AND REVENUE SECRETARIAT

(Legis)

NOTES.

File No. 22/1940

FILE HEADING.

The Mysore Legislature Regn Rules

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

GPB—30,000 - 3-4-07

V

Copy of D.O. No 151 dated the 25th July 1905 from Mr. J. Chandavarkar B.A. Dewan to Mr J.B. Copeland I.C.S. & Collector in Yoor:

Adverting to the late Dewan Mr. V.P. Madhava Rao's D.O. No. 1612 dated the 27th February 1905 relating to the introduction of certain Bills into the Legislative Council, I forward herewith a Copy each of the Insolvency Bill and the Limitation Bill which it is intended to introduce at the next meeting of the Council. The Code of Civil Procedure Bill which is also to be introduced at the same time has not yet been printed in extenso, and I have therefore enclosed a Copy of the S. I. Code with the necessary changes which are also shown separately in a printed Copy. The Statements of objects and reasons appended explain the nature & scope of the Draft Regulations

2. × × ×

V

G.R.S. 13]

~~Routine~~ Notes.

[~~To be used only for notes, requisitions, etc., not intended for permanent~~ record.]

No. 5594.

THE RESIDENT MYSORE

BANGALORE.
24th August 1909.

Dear Mr. Ananda Rao,

In continuation of my D.O. letter No. 5593 dated 24th August 1909, regarding the Mysore Insolvency Bill, I -- am desired to state that the Resident sees no prima facie objection to the Mysore Limitation Bill being laid before the Legislative Council.

T. Ananda Rao, Esq., B.A.,
Dewan of Mysore.

K.M.

N. B. — Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

2-9-60

Dear Sir

In the new Limitation Act as applies to British Indian Article 166 of the Schedule takes the place of old Articles 166 & 172. It is thought that these articles confer a very case in which a party to purchase could apply to set aside a sale. But I thought at the time and I still think that Article 166 may lead to difficulties.

/1

There are other cases in which a date may be set aside. Where for instance the notice required by section 248 has not been issued the proper procedure for the judgment debtor to adopt would apparently be to appeal in exercise of the ordinary right of the date (Cf DLR 32 Dom 572, 14 CWN 561 and a very recent judgment of our Court).

It would be very hard in such cases to appeal a 30 days rule of limitation. I would suggest (even if only on the principle of ~~ex~~ majore cautela) that Article 166 runs thus:- 166. Under the same Code of civil procedure a date in execution of a decree on the ground of fraud or irregularity in publishing or conducting the sale, or on the ground

that the decree holder has purchased without the permission of the Court, or on the ground that the person whose interest in the property purchased by the 3rd has not been made interested in the petition.

Yours truly
S. Ismay

G. R. S. 12]
General and Revenue Secretariat.

Legis. File No. 22 of 1910-11

Serial No.

1 Leave was given to introduce the bill before the Legislative Council at the meeting held on the 2nd Sept^{r} 1909. and the Bill was introduced and read at the meeting held on the 13th Jan^{y} 1910, when it was referred to a Select Committee for consideration and report. The report of the Committee and the bill as amended by them were considered at the meeting held on the 22nd Nov^{r} 1910. when it was finally adopted by the Council.

2 The sanction of the Govt. of India has now to be obtained for the bill being passed into law.

3 Submitted with a draft for approval.

JKL (RS)
12/12/10
SN (FH)

Typed
JKL (RS)
12/12/10

Typed fourth 12/12/10.

4 The draft may be approved. The Secretary
Copy of the Bill has been
Corrected up to date
Please thus Ender 13/12/10.

Note—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12 1
General and Revenue Secretariat.

Legis File No. 22 of 1910-11

Serial No. 1051.

5 The draft may be approved - I have placed a query against one of the paragraphs.

15/12/10

6 With reference to the above query it is submitted that the paragraph was put in because it refers to a change from the British Indian Law and it was thought that it might save possible Correspondence. Apart from this, there is no objection to its being omitted (and the succeeding paragraphs renumbered)

Subd. to Dewan

15/12/10.

9.3.20.

16.12.10

7 Please see a small addition to the draft made by the Dewan

K.M. Uthaman
17.12.10

9/12/20

6

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. [illegible] S. 12]
General and Revenue Secretariat.

Legis File No. 22 of 1910-11

Serial No.	
1	No Pol. 595 of 23/12/10 to the J.A. Resident Forwards a copy of the Limitation Bill and requests the sanction of the Govt of India for its being passed into law
2	No. 964 dated 18/2/11 From the J.A. Resident Informs that the Governor-General in council has accorded his consent to draft Bill on the usual understanding ~~that~~ ~~be~~ as to the ~~publication~~ by him of the power and authority which vests in him by virtue of Art. 19 of the Instrument of Transfer
9	Submitted for information This will have to be taken up at the next Legis. council meeting for being finally passed. S & S (58) 20/2/11
10	Subd to 2nd & D Secy for info supra

7 ~~2564~~

SW(11) 21/2

10359 2.3.11

26/2/11

22/2/11

Note— Contn. sheet

GPB—50,000—12.8.10

G. R. S. 12]
General and Revenue Secretariat.

File No. 22 of 191

Serial No. 18

A copy of the Bill as finally passed by the Legislative Council at the meeting held on the 27th April is submitted for obtaining the sanction of H. H. the Maharaja for its promulgation as law. The Dewan's signature has to be obtained.

7KS (25) 28/4/11. SW (11)

(29/4/11 Sd/- [illegible])

~~Seen~~ ~~Dewan through 2nd~~

~~[illegible]~~ 1/5/11 Sd 7/5/11

Sd/- 29/4/11 Sd 29/4/11

114 34

3. 5. 11

8

NOTE—Contn. sheet.

GPS—40,000—12-8-10

No. 1 22 9 10-11 (9

Submitted to His Highness.

14. The Limitation Bill which has been before the Legislative Council since September 1909 has received the sanction of the Government of India (vide Residency letter No.964 dated 18th February 1911) and was finally passed by the Legislative Council at its meeting held on the 27th April 1911. I now solicit early sanction to the bill being promulgated as law. It is to come into effect from the 1st July 1911.

4 May 11

Leg Dept 1910-11 (30

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

4.5.11
1973

Promulgation of the Limitation Bill as law.

663

Order.

Sanctioned
K'RW
9/5/11

Secy
9/May/11

13/5/11

TC
CRS
13/5/11

A Rec'd
19/5/11

19/5

Issued

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 22 of 1910-11

(11)

Serial No.	
3	No J 3136 dated 15/5/11 To the Compiler, Mysore Gazette Orders the publication of the Bill as Regn IV of 1911 Submitted M. S. Press copies have been received and compared. Copies have to be sent to the Residency as usual. A draft letter is herewith put up 6/8/11 all right 12. Issue, after satisfying that there are no Errors in the printed Copy 6/8/11.
4	To the Resident in Mysore No. NA 1087 dated 5th June 1911. Forwards 10 Copies of the Regulation

12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

THE MYSORE LIMITATION BILL, 19

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29. Savings.
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THE FIRST SCHEDULE—LIMITATION.

THE SECOND SCHEDULE—ENACTMENTS REPEALED.

THE MYSORE LIMITATION BILL.

A Bill to consolidate and amend the law for the Limitation of Suits and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called "the Mysore Limitation Regulation, 19 ."

(2) It extends to the whole of the Territories of Mysore; and

(3) It shall come into force on the first day of 19 .

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context— *Section 3 of the old Act.*

(1) "applicant" includes any person from or through whom an applicant derives his right to apply:

(2) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued:

(5) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another:

(6) "foreign country" means any country other than the territories of Mysore:

(7) "good faith": nothing shall be deemed to be done in good faith which is not done with due care and attention:

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue:

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(10) "suit" does not include an appeal or an application: and

(11) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Section 4 of the old Act.

3. Subject to the provisions contained in Sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Dismissal of suits, etc., instituted, etc., after period of limitation.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Para 1 of Section 5 of the old Act.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

Where Court is closed when period expires.

Para 2 of Section 5 of the old Act, slightly modified.

5. Any appeal or application for a review of judgment or for leave to appeal *or any other application to which this section may be made applicable by any enactment or rule for the time being in force* may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring

Extension of period in certain cases.

the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the ~~High~~ Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

6. (1) Where a person entitled to institute a suit or make an application *for the execution of a decree* is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

Legal disability.

Old Section 7 slightly modified omitting the last clause.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*c*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

7. *Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree* is under any such disability, and a discharge can be given without the concurrence of such

Disability of one of several plaintiffs or applicants.

Section 8 of the old Act.

person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others *or until the disability has ceased*.

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Last clause of Section 7 of the old Act.

8. Nothing in Section 6 or in Section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Special exceptions.

Illustrations.

(*a*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under Section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*b*) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under Section 6 read with this section.

(*c*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

Same as the old Section 9.

9. Where once time has begun to run, no subsequent disability or inability to sue stops it:

Continuous running of time.

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, *or the proceeds thereof, or for an account of such property or proceeds*, shall be barred by any length of time.

Suits against express trustees and their representatives.

Section 10 of the old Act slightly modified.

11. (1) Suits instituted in the territories of Mysore on contracts entered into in a foreign country are subject to the rules of limitation contained in this Regulation.

Suits on foreign contracts.

Section as old Section 11.

(2) No foreign rule of limitation shall be a defence to a suit instituted in the territories of Mysore on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

Exclusion of time in legal proceedings.

Same as old Section 12.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

13. In computing the period of limitation prescribed for any suit the time during which the defendant has been absent from the territories of Mysore shall be excluded.

Exclusion of time of defendant's absence from the territories of Mysore.

Same as old Section 13.

Old section slightly modified.

Exclusion of time of proceeding *bona fide* in Court without jurisdiction.

14. (1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been *prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party* for the same relief shall be excluded, *where such proceeding* is *prosecuted* in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to *entertain* it.

Explanation I.—In excluding the time during which a former suit or application was pending the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff *or an applicant* resisting an appeal shall be deemed to be prosecuting a *proceeding.*

New.

Explanation III.—For the purposes of this section, misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

Old Section slightly modified.

Exclusion of time during which proceedings are suspended.

15. (1) In computing the period of limitation prescribed for any suit *or application for the execution of a decree,* the institution *or execution* of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded.

New.

(2) *In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.*

Same as old Section 16 with slight verbal alteration.

Exclusion of time during which proceedings to set aside execution sale are pending.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree,

the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

Same as old Section 17.

Effect of death before right to sue accrues.

17. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in *sub-sections (1) and (2)* applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

Same as old Section 18.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, or where any document necessary to establish such right has been fraudulently concealed from him, the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

Old Section 19 slightly altered and modified.

Effect of acknowledgment in writing.

19. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, *subject to the provisions of the Indian Evidence Act, 1872, as applicable to Mysore*, oral evidence of its contents shall not be received.

Explanation I.—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III.—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right. *New.*

20. (1) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf, *Old Section 20 with an explanation added anew.*

Effect of payment of interest as such or of part payment of principal.

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a *fresh* period of limitation shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

(2) Where mortgaged land is in the possession of the mortgagee the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Effect of receipt of produce of mortgaged land.

Explanation.—Debt includes money payable under a decree or order of Court. *New.*

21. (*1*) *The expression "agent duly authorized in this behalf," in Sections 19 and 20, shall, in the case of a person under disability, include his lawful* *New.*

Agent of person under disability.

guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Old Section 21.

Acknowledgment or payment by one of several joint contractors, etc.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

Para 1 of old Section 22.

Effect of substituting or adding new plaintiff or defendant.

22. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

New.

(2) *Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.*

Old Section 23.

Continuing breaches and wrongs.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Old Section 24.

Suit for compensation for act not actionable without special damage.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom the period of limitation shall be computed from the time when the injury results.

Illustration.

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

Old Section 25.

Computation of time mentioned in instruments.

25. All instruments shall, for the purposes of this Regulation, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(*a*) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition of right to easements.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

Old Section 26.

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(2) *Where the property over which a right is claimed under sub-section (1) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.*

New.

Explanation.—Nothing is an interruption within the meaning of this section unless, where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Same as Explanation to old Section 26.

Illustrations.

(*a*) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Same as old Section 27.

Exclusion in favour of reversioner of servient tenement.

27. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Same as old Section 28.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Vide Sections 2 and 6 of the old Act.

Savings.

29. Nothing in this Act shall—

(*a*) affect the Indian Contract Act, 1872, Section 25, as applicable to Mysore:

(*b*) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in the territories of Mysore.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877, as applicable to Mysore.

30. *Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Regulation is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, as applicable to Mysore, may be instituted within the period of two years next after the passing of this Regulation, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.*

Repeals.

31. *The enactments mentioned in the third schedule are repealed to the extent specified in the fourth column thereof.*

THE FIRST SCHEDULE.

(See Section 3.)

FIRST DIVISION : SUITS.

Description of suit	Period of limitation	Time from which period begins to run
	Part II.—Ninety days.	
2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in the territories of Mysore.	Ninety days ...	When the act or omission takes place.
	Part III.—Six months.	
3.—Under the Specific Relief Act, 1877, Section 9, to recover possession of immovable property.	Six months ...	When the dispossession occurs.
5.—Under the summary procedure *referred to in Section 128 (2) (f) of the Code of Civil Procedure.*	Do ..	*When the debt or liquidated demand becomes payable or when the property becomes recoverable.*
	Part IV.—One year.	
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a household servant, artisan or labourer.	Do ...	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	Do ...	When the food or drink is delivered.
9.—For the price of lodging.	Do ...	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Do ...	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person, against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order. *Order under the Code of Civil Procedure, on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree.*	Do ...	*The date of the order.*
11 A.—By a person against whom an order has been made under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.	Do ...	*Do.*

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—One year—contd.	
12.—To set aside any of the following sales:— (*a*) Sale in execution of a decree of a Civil Court; (*b*) Sale in pursuance of a decree or order of a Deputy Commissioner or other officer of revenue; (*c*) Sale for arrears of Government revenue, or for any demand recoverable as such arrears; (*d*) Sale of a patni taluk sold for current arrears of rent. *Explanation.*—In this *article* "patni" includes any intermediate tenure saleable for current arrears of rent.	One year ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Do ...	The date of the final decision or order in the case by a Court competent to determine it finally.
14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Do ...	The date of the act or order.
15.—Against Government to set aside any attachment, lease or transfer of immovable property by the revenue authorities for arrears of Government revenue.	Do ...	When the attachment, lease or transfer is made.
16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Do ...	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Do ...	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Do ...	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Do ...	When the imprisonment ends.
20.—By executors, administrators or representatives under any law for the time being in for enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased.	Do ...	The date of the death of the person wronged.
21.—By executors, administrators or representatives under the Regulation III of 1818.	Do ...	The date of the death of the person killed.
22.—For compensation for any other injury to the person.	Do ...	When the injury is committed.
23.—For compensation for a malicious prosecution.	Do ...	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel ...	Do ...	When the libel is published.
25.—For compensation for slander ...	Do ...	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Do ...	When the loss occurs.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.— One year—concld.	
27.—For compensation for inducing a person to break a contract with the plaintiff.	One year ...	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Do ...	The date of the distress.
29.—For compensation for wrongful seizure of movable property under legal process.	Do ...	The date of the seizure.
30.—Against a carrier for compensation for losing or injuring goods.	*Do* ...	When the loss or injury occurs.
31.—Against a carrier for compensation *for non-delivery of, or* for delay in delivering goods.	*Do* ...	When the goods ought to be delivered.
	Part V.—Two years.	
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years ...	When the perversion first becomes known to the person injured thereby.
33.—Under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to or by a person deceased against an executor.	Do ...	When the wrong complained of is done.
34.—*Under the same law against an administrator.*	Do ...	Do do
35.—*Under the same law against any other representative.*	Do ..	Do do
36.—For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.	Do ...	When the malfeasance, misfeasance or non-feasance takes place.
	Part VI.—Three years.	
37.—For compensation for obstructing a way or a watercourse.	Three years ...	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Do ...	The date of the diversion.
39.—For compensation for trespass upon immovable property.	Do ...	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Do ...	The date of the infringement.
41.—To restrain waste	Do ...	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Do ..	When the injunction ceases.
43.—Under the Indian Succession Act, 1865, Section 320 or Section 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Do ...	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a *transfer of property* by his guardian.	Do ...	When the ward attains majority.
47.—By any person bound by an order respecting the possession of *immovable* property made under the Code of Criminal Procedure, 1904, or the Mysore Land Revenue Code, 1888, or by any one claiming under such person, to recover the property comprised in such order.	Do ...	The date of the final order in the case.

THE FIRST SCHEDULE—contd.

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—contd.	
48.—For specific movable property lost, or acquired by theft or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Three years ...	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific movable property or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Do ...	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or house-hold furniture.	Do ...	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Do ...	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Do ...	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Do ...	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Do ...	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Do ...	The date of the sale.
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Do ...	When the work is done.
57.—For money payable for money lent.	Do ...	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Do ...	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Do ...	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand, *including money of a customer in the hands of his banker so payable.*	Do ...	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Do ...	When the money is paid.
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Do ...	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Do ...	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Do ...	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Do ...	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Do ...	The day so specified.

THE FIRST SCHEDULE—contd.

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—contd.	
67.—On a single bond, where no such day is specified.	Three years ...	The date of executing the bond.
68.—On a bond subject to a condition ...	Do ...	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date	Do ...	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Do ...	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Do ...	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Do ...	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Do ...	The date of the bill or note.
74.—On a promissory note or bond payable by instalments.	Do ...	The expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Do ...	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Do ...	The date of the delivery to the payee.
77.—On a dishonoured foreign bill, where protest has been made and notice given.	Do ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Do ...	The date of the refusal to accept.
79.—By the acceptor of an accommodation bill against the drawer.	Do ...	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Do ...	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Do ...	When the surety pays the creditor.
82.—By a surety against a co-surety ...	Do ...	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Do ...	When the plaintiff is actually damnified.
84.—By an *Advocate or Pleader* for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Do ...	The date of the termination of the suit or business, or (where the *Advocate or Pleader* properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Do ...	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Do ...	When proof of the death or loss is given or received to or by the insurer, whether by or from the plaintiff, or any other person.

THE FIRST SCHEDULE—contd.

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI. - Three years—contd.	
87.—By the assured to recover premia paid under a policy avoidable at the election of the insurers.	Three years ...	When the insurers elect to avoid the policy.
88.—Against a factor for an account ..	Do ...	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for movable property received by the latter and not accounted for.	Do ...	Do do do.
90.—Other suits by principals against agents for neglect or misconduct.	Do ...	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Do ...	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Do ...	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Do ...	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Do ...	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Do ...	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Do ...	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Do ...	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Do ...	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole *or more than his share of the* amount due under a joint decree, or by a sharer in a joint estate who has paid the whole *or more than his share of the* amount of revenue due from himself and his co-sharers.	Do ...	The date of the *payment* in excess of *the plaintiff's own share.*
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Do ...	When the right to contribution accrues.
101.—For a seaman's wages ...	Do ...	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Do ...	When the wages accrue due.
103.—By a Muhammadan for exigible dower (*mu'ajjal*).	Do ...	When the dower is demanded and refused or (where, during the continuance of the marriage, no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower (*mu'ajjal*).	Do ...	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Do ...	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Do ...	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Do ...	The date of the payment.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—concld.	
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Three years ...	When the trees are cut down.
109.—For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	Do ...	When the profits are received.
110.—For arrears of rent	Do ...	When the arrears become due.
111.—By a vendor of immovable property *for personal payment* of unpaid purchase money.	Do ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any Statute or Act.	Do ...	When the call is payable.
113.—For specific performance of a contract.	Do ..	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract ...	Do ...	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Do ...	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
	Part VII.—Six years.	
116.—For compensation for the breach of a contract in writing registered.	Six years ..	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Do ...	The date of the judgment.
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Do ...	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Do ...	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Do ...	When the right to sue accrues.
	Part VIII.—Twelve years.	
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, or in a patni taluk, or other saleable tenure sold for arrears of rent.	Twelve years ...	When the sale becomes final and conclusive.
122.—Upon a judgment obtained in the territories of Mysore or a recognisance.	Do ...	The date of the judgment or recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Do ...	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Do ...	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.

THE FIRST SCHEDULE - contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—Twelve years— contd.	
125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage.	Twelve years ...	The date of the alienation.
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Do ..	When the alienee takes possession of the property.
127. By a person excluded from joint family property, to enforce a right to share therein.	Do ...	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Do ...	When the arrears are payable.
129.—By a Hindu for a declaration of his right to maintenance.	Do ..	When the right is denied.
130.—For the resumption or assessment of rent-free land	Do ...	When the right to resume or assess the land first accrues.
131.—To establish a periodically recurring right.	Do ...	When the plaintiff is first refused the enjoyment of the right.
132.—To enforce payment of money charged upon immovable property.	Do ...	When the money sued for becomes due
133.—To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Do ...	The date of the purchase.
134.—To recover possession of immovable property conveyed or bequeathed in trust or mortgaged and afterwards *transferred by* the trustee or mortgagee for a valuable consideration.	Do ...	*The date of the transfer.*
135.—Suit instituted by a mortgagee for possession of immovable property mortgaged.	Do ...	When the mortgagor's right to possession determines.
136.—By a purchaser at a private sale for possession of immovable property sold when the vendor was out of possession at the date of the sale.	Do ..	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Do ...	When the judgment-debtor is first entitled to possession.
138. Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Do ...	The date *when the sale becomes absolute.*
139.—By a landlord to recover possession from a tenant.	Do ...	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immovable property.	Do ...	When his estate falls into possession.
141.—Like suit by a Hindu or Muhammadan entitled to the possession of immovable property on the death of a Hindu or Muhammadan female.	Do ...	When the female dies.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—Twelve years—concld.	
142.—For possession of immovable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Twelve years ...	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Do ...	When the forfeiture is incurred or the condition is broken.
144.—For possession of immovable property or any interest therein not hereby otherwise specially provided for.	Do ...	When the possession of the defendant becomes adverse to the plaintiff.
	Part IX.—Thirty years.	
145.—Against a depositary or pawnee to recover movable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn.
146 A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	*Do* ...	*The date of the dispossession or discontinuance.*
	Part X.—Sixty years.	
147.—By a mortgagee for foreclosure or sale.	Sixty years ...	When the money secured by the mortgage becomes due.
148.—Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	Do ..	When the right to redeem or to recover possession accrues.
149.—Any suit by or on behalf of the Government of Mysore.	Do ...	When the period of limitation would begin to run under this Regulation against a like suit by a private person.

Second Division : Appeals.

Description of appeal	Period of limitation	Time from which period begins to run
150.—Under the Code of Criminal Procedure, 1904, from a sentence of death passed by a Court of Session.	Seven days ...	The date of the sentence.
151.—From a decree or order of the Chief Court.	Twenty days ...	The date of the decree or order.
152.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days ...	The date of the decree or order appealed from.
154.—Under the Code of Criminal Procedure, 1904, to any Court other than the Chief Court.	Do ...	The date of the sentence or order appealed from.
155.—Under the same Code, to the Chief Court, except in the cases provided for by article 150 and article 157.	Sixty days ...	Do.
156.—Under the Code of Civil Procedure to the Chief Court except in cases provided for by article 151	Ninety days ...	The date of the decree or order appealed from.
157.—Under the Code of Criminal Procedure, 1904, from *an order* of acquittal.	Six months ...	The date of the order appealed from.

THE FIRST SCHEDULE—contd.

Third Division : Applications.

Description of application	Period of limitation	Time from which period begins to run
158.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under *the summary procedure referred to in section 128 (2) (f) of the same Code.*	Do ...	When the summons is served.
160.—For an order under the same Code, *to restore to the file on application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.*	Fifteen days ...	When the application for review is rejected.
161.—For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Do ...	The date of the decree or order.
162.—For a review of judgment by the Chief Court.	Twenty days ...	The date of the decree or order.
163.—By a plaintiff, for an order to set aside a dismissal *for default of appearance or for failure to* pay *costs of service of process or to furnish security for costs.*	Thirty days ...	The date of the dismissal.
164.—By a defendant, for an order to set aside a *decree* passed *ex parte.*	Do ...	The date of the *decree or where the summons was not duly served, when the applicant has knowledge of the decree.*
165.—Under the Code of Civil Procedure by a person dispossessed of immovable property, and disputing the right of the decree holder or purchaser at a sale in execution of a decree to be put into possession.	Do ..	The date of the dispossession.
166.—Under the same Code *to set aside* a sale in execution of a decree.	Do ...	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Do ..	The date of the resistance or obstruction.
168.—For the re-admission of an appeal dismissed for want of prosecution.	Do ...	The date of the dismissal.
169.—For the re-hearing of an appeal heard *ex parte.*	Do ...	The date of the decree in *appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.*
170.—For leave to appeal as a pauper.	Do ...	The date of the decree appealed from.
171.—Under the Code of Civil Procedure, for an order to set aside an abatement.	Sixty days ...	The date of the abatement.
172.—*Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.*	Do ...	*The date of the order of dismissal.*
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days ...	The date of the decree or order.
174.—For the issue of a notice under the same Code, to show cause why *any* payment *made out of Court of any money payable under a decree or any adjustment of the decree* should not be recorded as certified when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Do ...	From the date of executing such decree.

THE FIRST SCHEDULE—contd.

Third Division: Applications

Description of application	Period of limitation	Time from which period begins to run
175.—For payment of the amount of a decree by instalments.	Six months ...	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Do ...	The date of the death of the deceased plaintiff or appellant.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Do ..	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	*Do* ...	*The date of the award.*
178A.—For the issue of a notice under the Code of Civil Procedure to show cause why any payment *made out of Court of any money payable under a decree or an adjustment of a decree* should not be recorded as certified in cases other than those provided for in article 174.	One year ...	When the payment or adjustment is made
180.—By a purchaser of immovable property at a sale in execution of a decree for delivery of possession.	*Three years* ...	*When the sale becomes absolute.*
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by Section 48 of the Code of Civil Procedure.	Do ...	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by Section 48 of the Code of Civil Procedure.	Three years; or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or *the withdrawal* or 3. (where there has been a review of judgment) the date of the decision passed on the review, or *4. (where the decree has been amended) the date of amendment,* or 5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution or to take some step in aid of execution of the decree or order, or 6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice *to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure,* or 7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date. *Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in

THE FIRST SCHEDULE—concld.

Third Division : Applications.

Description of application	Period of limitation	Time from which period begins to run
		clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But, where the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives shall take effect in favour of them all. Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all. *Explanation II.*—"Proper Court" means the Court whose duty it is to execute the decree or order.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 31.*)

Year	Number	Short title	Extent of repeal
1877	XV	The Indian Limitation Act, 1877, as extended to Mysore by the Government of India Notification, Foreign Department Judicial No. 174 J., dated the 26th October 1877.	The whole.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879, as introduced into Mysore by the Government of India Notification No. 320, dated 19th November 1879.	The whole of Section 108.
1896	III	The Indian Limitation Act Amendment Regulation	The whole.

THE LIMITATION BILL.

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Statement of objects and reasons.

This Bill like the Insolvency Bill is merely ancillary to the new Civil Procedure Code and is based on the corresponding British Indian Act. That Act was a consolidating measure and the only change of any importance introduced by it is contained in Section 31 which lays down a special rule of limitation in regard to certain kinds of mortgage suits, necessitated by the view taken by the Privy Council in Vasudeva VS Srinivasa (11 C.W.N.1005) which overrued the view long taken by certain High Courts in British India as regards the applicability of Article 147 of the 2nd Schedule to suits based on mortgages of other than the English form. As the law in Mysore in this matter has been uniform and well settled, there appears to be no need to adopt the provisions of the new Section, as to do so would involve a serious departure from the existing law in the State. The provisions of the law which are peculiar to Mysore such as those contained in Articles 173 A and 177 A have been retained in the Draft.

Fair-Draft

(21)

To,

P.B.Warburton Esq I.C.S.,
First Assistant to the
Hon'ble the Resident in
Mysore.

Pol. No. 595/Secy 3
dt 23-12-1910

Sir,

I am directed to forward herewith a copy of the Mysore Limitation Bill and to state as follows:-

2. The Bill is intended to consolidate and amend the law relating to the limitation of suits and for other purposes in Mysore and is based on the corresponding Limitation Act recently passed by the Government of India, with only such modifications and amendments as are required to suit the conditions of Mysore.

3. The Act was re-enacted in British India mainly with the view of obviating the difficulties that arose from the decision of the Privy Council in the case of Vasudeva vs srinivasa (C.W.N.1005). In that case the Privy Council held, overruling the decisions of the High Courts of Bombay, Madras,

and Allahabad, that the period of limitation applicable in respect of suits on mortgages of property in forms other than what is known as the English form is 12 years as provided for in Article 132 of the Second Schedule to the Limitation Act of 1877 and not the ~~larger~~ longer period of sixty years prescribed by Article 147 of the said Schedule. As the law in Mysore in this respect has been uniform and well settled, i.e, a period of 12 years in suits on simple mortgages and 60 years in suits founded on usufructory mortgages, we are unaffected by this decision and the object of the Durbar in reenacting the Act is only to consolidate the law, adopting such changes as are necessitated by the contemplated enactment of the new Code of Civil Procedure. This was also one of the reasons which weighed with the Government of India in reenacting their own Act. ~~Act~~.

4. The provisions of law which are peculiar to Mysore (Vide 173 A and 177 A of the Second Schedule of the Existing Act,

Articles 174 and 178 A of the first Schedule of the Bill have been retained. Section 31 of the British Indian Act has been not reenacted for reasons just explained in the preceding paragraph.

5. The Bill was placed before the Legislative Council at the meeting held on the 13th January 1910 when it was referred to a Select Committee of that body for consideration and report. Having carefully gone through the Bill, the Committee recommended certain changes, (Copy of the report is enclosed for ready reference) of which the one relating to Art: 166 of the First Schedule alone needs specially to be mentioned.

6. The Article as it stands in the British Indian Act and as it stood in the Bill as at first framed (copy enclosed for ready reference) applied to all cases of applications for setting aside a sale in execution of a decree. It was represented by the Chief Court that such a wide provision may lead to hardship in

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in certain cases, as for instance when a judgment-debtor who has had no notice under section 248 of the existing Civil Procedure Code seeks to have the sale conducted behind his back set aside. Under the existing law, he would have 3 years' time to apply, but according to the Bill, he would have only 30 days. The scope of the article has therefore been limited so as to make it applicable only to cases to which a period of 30 days or 60 days now applies, (Cases falling under articles 166,& 172 of the 1st schedule of the existing Act).

7. The only other changes of importance relate to articles 15 & 16 of the 1st schedule. Article 15 has been omitted as no such suit as is contemplated therein lies agianst the Government in Mysore and article 16 has been amended so as to make it applicable to all the cases falling under section 225(A) of the Mysore Land Revenue Code. As it originally stood it provided only for some of the cases falling thereunder.

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8. Articles 174 & 178 A are based on the suggestion of the Residency contained in their letter No. 204-06# dated the 6th June 1895 (Vide correspondence ending with letter No. 3877 dated 26th October 1896)

~~Limitation Act~~

9. The recommendations of the Select Committee were considered at the meeting of the Legislative Council held on the 22nd November 1910, and were adopted by that # body.

10. I am now to forward a copy of the Bill as thus adopted and to request that the sanction of the Government of India may be obtained early for its being passed # into law. The Bill is to come into force simultaneously with the Code of Civil Procedure on the 1st day of July 1911.

I have the honour to be,
Sir,
Your most obedient servant,

CSB

Offg. Secretary to Government.

H.K.
137.

NOTIFICATION.

No. 90—L. C., dated Bangalore, 22nd September 1909.

Under Rule 31 of the Rules relating to the conduct of business of the Mysore Legislative Council, the following Bill together with a statement of objects and reasons is published for general information :—

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

THE MYSORE LIMITATION BILL, 19

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THE MYSORE LIMITATION BILL.

A Bill to consolidate and amend the law for the Limitation of Suits and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; His Highness the Maharaja is pleased to enact as follows :—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called "the Mysore Limitation Regulation, 19//."

(2) It extends to the whole of ~~the Territories of~~ Mysore; and

(3) It shall come into force on the first day of J- 5 19//.

Section 3 of the old Act.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "applicant" includes any person from or through whom an applicant derives his right to apply:

(2) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued:

(5) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another:

(6) "foreign country" means any country other than ~~the territories of~~ Mysore:

(7) "good faith": nothing shall be deemed to be done in good faith which is not done with due care and attention:

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue:

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(10) "suit" does not include an appeal or an application: and

(11) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Section 4 of the old Act.

3. Subject to the provisions contained in Sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Dismissal of suits, etc., instituted, etc., after period of limitation.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Para 1 of Section 5 of the old Act.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

Where Court is closed when period expires.

Para 2 of Section 5 of the old Act, slightly modified.

5. Any appeal or application for a review of judgment or for leave to appeal *or any other application to which this section may be made applicable by any enactment or rule for the time being in force* may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring

Extension of period in certain cases.

the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the Chief Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

Now.

6. (1) Where a person entitled to institute a suit or make an application *for the execution of a decree* is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

Legal disability.

Old Section 7 slightly modified omitting the last clause.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*c*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

7. *Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree* is under any such disability, and a discharge can be given without the concurrence of such

Disability of one of several plaintiffs or applicants.

Section 8 of the old Act.

person. time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others *or until the disability has ceased.*

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Last clause of Section 7 of the old Act.

8. Nothing in Section 6 or in Section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Special exceptions.

Illustrations.

(*a*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under Section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*b*) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under Section 6 read with this section.

(*c*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

Same as the old Section 9.

9. Where once time has begun to run, no subsequent disability or inability to sue stops it:

Continuous running of time.

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Section 10 of the old Act slightly modified.

Suits against express trustees and their representatives.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, *or the proceeds thereof, or for an account of such property or proceeds*, shall be barred by any length of time.

Same as old Section 11.

Suits on foreign contracts.

11. (1) Suits instituted in ~~the territories of~~ Mysore on contracts entered into in a foreign country are subject to the rules of limitation contained in this Regulation.

(2) No foreign rule of limitation shall be a defence to a suit instituted in ~~the territories of~~ Mysore on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

Same as old Section 12.

Exclusion of time in legal proceedings.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Same as old Section 15.

Exclusion of time of defendant's absence from ~~the territories of~~ Mysore.

13. In computing the period of limitation prescribed for any suit the time during which the defendant has been absent from ~~the territories of~~ Mysore shall be excluded.

Old section slightly modified.

Exclusion of time of proceeding *bona fide* in Court without jurisdiction.

14. (1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been *prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party* for the same relief shall be excluded, *where such proceeding* is *prosecuted* in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to *entertain* it.

Explanation I.—In excluding the time during which a former suit or application was pending the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff *or an applicant* resisting an appeal shall be deemed to be prosecuting a *proceeding.*

Explanation III.—For the purposes of this section, misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

New

Old section slightly modified.

Exclusion of time during which proceedings are suspended.

15. (1) In computing the period of limitation prescribed for any suit *or application for the execution of a decree,* the institution *or execution* of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded.

New.

(2) *In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.*

Same as old Section 16 with slight verba alteration.

Exclusion of time during which proceedings to set aside execution sale are pending.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree,

the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

Same as old Section 17.

Effect of death before right to sue accrues.

17. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in *sub-sections* (*1*) *and* (*2*) applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

Same as old Section 18.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, or where any document necessary to establish such right has been fraudulently concealed from him, the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

Old Section 19 slightly altered and modified.

Effect of acknowledgment in writing.

19. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, *subject to the provisions of the Indian Evidence Act, 1872, as applicable to Mysore*, oral evidence of its contents shall not be received.

Explanation I.—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III.—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right. *New.*

Old Section 20 with an explanation added anew.

20. (1) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

Effect of payment of interest as such or of part payment of principal.

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a *fresh* period of limitation shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

(2) Where mortgaged land is in the possession of the mortgagee the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Effect of receipt of produce of mortgaged land.

Explanation.—"*Debt*" *includes money payable under a decree or order of Court.* *New.*

21. (*1*) *The expression "agent duly authorized in this behalf," in Sections 19 and 20, shall, in the case of a person under disability, include his lawful* *New.*

Agent of person under disability.

guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Acknowledgment or payment by one of several joint contractors, etc.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them. *Old Section 21.*

Effect of substituting or adding new plaintiff or defendant.

22. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party. *Para 1 of old Section 22.*

(2) *Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.* *New.*

Continuing breaches and wrongs.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues. *Old Section 23.*

Suit for compensation for act not actionable without special damage.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results. *Old Section 24.*

Illustration.

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

Computation of time mentioned in instruments.

25. All instruments shall, for the purposes of this Regulation, be deemed to be made with reference to the Gregorian calendar. *Old Section 25.*

Illustrations.

(*a*) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Old Section 26.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

Acquisition of right to easements.

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

New.

(*2*) *Where the property over which a right is claimed under sub-section* (*1*) *belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.*

Same as Explanation to old Section 26.

Explanation.—Nothing is an interruption within the meaning of this section unless, where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Same as old Section 27.

Exclusion in favour of reversioner of servient tenement.

27. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Same as old Section 28.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Vide Sections 2 and 6 of the old Act.

Savings.

29. Nothing in this Regulation shall—

(*a*) affect the Indian Contract Act, 1872, Section 25, as applicable to Mysore;

(*b*) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in ~~the territories of~~ Mysore.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877, as applicable to Mysore.

30. *Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Regulation is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, as applicable to Mysore, may be instituted within the period of two years next after the passing of this Regulation, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.*

Repeals.

31. *The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.*

THE FIRST SCHEDULE.

(See Section 3.)

FIRST DIVISION: SUITS.

Description of suit	Period of limitation	Time from which period begins to run
	Part II.—Ninety days.	
2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being *in ~~the territories of~~ Mysore.*	Ninety days ...	When the act or omission takes place.
	Part III.—Six months.	
3.—Under the Specific Relief Act, 1877, Section 9, to recover possession of immovable property.	Six months ...	When the dispossession occurs.
5.—Under the summary procedure *referred to in Section 128 (2) (f) of the Code of Civil Procedure.*	Do ..	*When the debt or liquidated demand becomes payable or when the property becomes recoverable.*
	Part IV.—One year.	
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a household servant, artisan or labourer.	Do ...	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	Do ...	When the food or drink is delivered.
9.—For the price of lodging.	Do ...	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Do ...	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person, against whom ~~any of the following~~ an order has been made to establish the right which he claims to the property comprised in the order, ~~under~~ under the Code of Civil Procedure, ~~or~~ a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree.	Do ...	*The date of the order.*
11 A.—By a person against whom an order has been made under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.	Do ...	*Do.*

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—One year—contd.	
12.—To set aside any of the following sales:— (*a*) Sale in execution of a decree of a Civil Court; (*b*) Sale in pursuance of a decree or order of a Deputy Commissioner or other officer of revenue; (*c*) Sale for arrears of Government revenue, or for any demand recoverable as such arrears; (*d*) Sale of a patni taluk sold for current arrears of rent. *Explanation.*—In this article "patni" includes any intermediate tenure liable for current arrears of rent.	One year ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Do ...	The date of the final decision or order in the case by a Court competent to determine it finally.
14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for	Do ...	The date of the act or order.
15.—Against Government to set aside any attachment, lease or transfer of immovable property by the revenue authorities for arrears of Government revenue.	Do ...	When the attachment, lease or transfer is made.
16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Do ...	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Do ...	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Do ...	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Do ...	When the imprisonment ends.
20.—By executors, administrators or representatives under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased.	Do ...	The date of the death of the person wronged.
21.—By executors, administrators or representatives under Regulation II of 1892 to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	Do ...	The date of the death of the person killed.
22.—For compensation for any other injury to the person.	Do ...	When the injury is committed.
23.—For compensation for a malicious prosecution.	Do ...	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel ...	Do ...	When the libel is published.
25.—For compensation for slander ...	Do ...	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Do ...	When the loss occurs.

33. Against an executor, Administrator,
or other representative of a deceased
person for wrongs done by such person,
where the executor, administrator or
other representative is by law liable

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—One year—concld.	
27.—For compensation for inducing a person to break a contract with the plaintiff.	One year ...	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Do ...	The date of the distress.
29.—For compensation for wrongful seizure of movable property under legal process.	Do ...	The date of the seizure.
30.—Against a carrier for compensation for losing or injuring goods.	Do ...	When the loss or injury occurs.
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	Do ...	When the goods ought to be delivered.
	Part V.—Two years.	
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years ...	When the perversion first becomes known to the person injured thereby.
33.—Under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to or by a person deceased against an executor.	Do .	When the wrong complained of is done.
34.—*Under the same law against an administrator.*	Do ...	Do do
35.—*Under the same law against any other representative.*	Do .	Do do
36.—For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.	Do ...	When the malfeasance, misfeasance or non-feasance takes place.
	Part VI.—Three years.	
37.—For compensation for obstructing a way or a watercourse.	Three years ...	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Do ...	The date of the diversion.
39.—For compensation for trespass upon immovable property.	Do ...	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Do ...	The date of the infringement.
41.—To restrain waste	Do ...	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Do ..	When the injunction ceases.
43.—Under the Indian Succession Act, 1865, Section 320 or Section 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Do ...	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a *transfer of property* by his guardian.	Do ...	When the ward attains majority.
47.—By any person bound by an order respecting the possession of *immovable* property made under the Code of Criminal Procedure, 1904, or the Mysore Land Revenue Code, 1888, or by any one claiming under such person, to recover the property comprised in such order.	Do ...	The date of the final order in the case.

THE FIRST SCHEDULE—contd.

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—contd.	
48.—For specific movable property lost, or acquired by theft or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Three years ..	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific movable property or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Do ...	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or house-hold furniture.	Do	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Do ...	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Do ...	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Do ...	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Do ...	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Do ...	The date of the sale.
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Do ...	When the work is done.
57.—For money payable for money lent.	Do ...	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Do ...	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Do ...	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand, *including money of a customer in the hands of his banker so payable.*	Do ...	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Do ...	When the money is paid.
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Do ...	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Do ...	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Do ...	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Do ...	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Do ...	The day so specified.

THE FIRST SCHEDULE—contd.

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—contd.	
67.—On a single bond, where no such day is specified.	Three years ...	The date of executing the bond.
68.—On a bond subject to a condition ...	Do ...	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Do ...	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Do ..	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Do ...	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Do ...	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue	Do ...	The date of the bill or note.
74.—On a promissory note or bond payable by instalments.	Do ...	The expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Do ...	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Do ...	The date of the delivery to the payee.
77.—On a dishonoured foreign bill, where protest has been made and notice given.	Do ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Do ...	The date of the refusal to accept.
79.—By the acceptor of an accommodation bill against the drawer.	Do ...	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Do ...	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Do ...	When the surety pays the creditor.
82.—By a surety against a co-surety ...	Do ...	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Do ...	When the plaintiff is actually damnified.
84.—By an *Advocate or Pleader* for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Do ...	The date of the termination of the suit or business, or (where the *Advocate or Pleader* properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Do ...	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Do ...	When proof of the death or loss is given or received to or by the insurer, whether by or from the plaintiff, or any other person.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—contd.	
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Three years ...	When the insurers elect to avoid the policy.
88.—Against a factor for an account ..	Do ...	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for movable property received by the latter and not accounted for.	Do ...	Do do do.
90.—Other suits by principals against agents for neglect or misconduct.	Do ...	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Do ...	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Do ...	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Do ...	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Do ...	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Do ...	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Do ...	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Do ...	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust	Do ...	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole *or more than his share of the* amount due under a joint decree, or by a sharer in a joint estate who has paid the whole *or more than his share of the* amount of revenue due from himself and his co-sharers.	Do ...	The date of the *payment* in excess of *the plaintiff's own share.*
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution	Do ...	When the right to contribution accrues.
101.—For a seaman's wages ...	Do ...	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Do ...	When the wages accrue due.
103.—By a Muhammadan for exigible dower (*mu'ajjal*).	Do ...	When the dower is demanded and refused or (where, during the continuance of the marriage, no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower (*mu'wajjal*).	Do ...	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Do ...	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Do ...	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Do ...	The date of the payment.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—Three years—concld.	
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Three years ...	When the trees are cut down.
109.—For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	Do ...	When the profits are received.
110.—~~For arrears of rent~~ ...	Do ...	When the arrears become due.
111.—By a vendor of immovable property ~~for personal payment of~~ unpaid purchase money.	Do ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any ~~Statute or Act or Regulation~~	Do ...	When the call is payable.
113.—For specific performance of a contract.	Do ..	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract ...	Do ...	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Do ...	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
	Part VII.—Six years.	
116.—For compensation for the breach of a contract in writing registered.	Six years ..	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Do ...	The date of the judgment.
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Do ...	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Do ...	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Do ...	When the right to sue accrues.
	Part VIII.—Twelve years.	
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, ~~or in a patni taluk~~, or other saleable tenure sold for arrears of rent.	Twelve years ...	When the sale becomes final and conclusive.
122.—Upon a ~~judgment obtained in the territories of Mysore or a~~ recognisance.	Do ...	The date of the ~~judgment or~~ recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Do ...	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Do ...	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—Twelve years—contd.	
125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage.	Twelve years ...	The date of the alienation.
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Do ...	When the alienee takes possession of the property.
127.—By a person excluded from joint family property, to enforce a right to share therein.	Do ...	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Do ...	When the arrears are payable
129.—By a Hindu for a declaration of his right to maintenance.	Do ..	When the right is denied.
130.—For the resumption or assessment of rent-free land.	Do ...	When the right to resume or assess the land first accrues.
131.—To establish a periodically recurring right.	Do ...	When the plaintiff is first refused the enjoyment of the right.
132.—To enforce payment of money charged upon immovable property.	Do ...	When the money sued for becomes due.
133.—To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Do ...	The date of the purchase.
134.—To recover possession of immovable property conveyed or bequeathed in trust or mortgaged and afterwards *transferred by* the trustee or mortgagee for a valuable consideration.	Do ...	*The date of the transfer.*
135.—Suit instituted by a mortgagee for possession of immovable property mortgaged.	Do ...	When the mortgagor's right to possession determines.
136.—By a purchaser at a private sale for possession of immovable property sold when the vendor was out of possession at the date of the sale.	Do ..	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Do ...	When the judgment-debtor is first entitled to possession.
138.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Do ...	The date *when the sale becomes absolute.*
139.—By a landlord to recover possession from a tenant.	Do ...	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immovable property.	Do ...	When his estate falls into possession.
141.—Like suit by a Hindu or Muhammadan entitled to the possession of immovable property on the death of a Hindu or Muhammadan female.	Do ...	When the female dies.

THE FIRST SCHEDULE—contd.

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—Twelve years—concld.	
142.—For possession of immovable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Twelve years ...	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Do ...	When the forfeiture is incurred or the condition is broken.
144.—For possession of immovable property or any interest therein not hereby otherwise specially provided for.	Do ...	When the possession of the defendant becomes adverse to the plaintiff.
	Part IX.—Thirty years.	
145.—Against a depositary or pawnee to recover movable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn.
146 A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	*Do* ...	*The date of the dispossession or discontinuance.*
	Part X.—Sixty years.	
147.—By a mortgagee for foreclosure or sale.	Sixty years ...	When the money secured by the mortgage becomes due.
148.—Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	Do ..	When the right to redeem or to recover possession accrues.
149.—Any suit by or on behalf of the Government of Mysore.	Do ..	When the period of limitation would begin to run under this Regulation against a like suit by a private person.

Second Division : Appeals.

Description of appeal	Period of limitation	Time from which period begins to run
150.—Under the Code of Criminal Procedure, 1904, from a sentence of death passed by a Court of Session	Seven days ...	The date of the sentence.
151.—From a decree or order of the Chief Court in the exercise of its original jurisdiction.	Twenty days ...	The date of the decree or order.
152.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days ..	The date of the decree or order appealed from.
154.—Under the Code of Criminal Procedure, 1904, to any Court other than the Chief Court.	Do ...	The date of the sentence or order appealed from.
155.—Under the same Code, to the Chief Court, except in the cases provided for by article 150 and article 157.	Sixty days ...	Do.
156.—Under the Code of Civil Procedure to the Chief Court except in cases provided for by article 151.	Ninety days ...	The date of the decree or order appealed from.
157.—Under the Code of Criminal Procedure, 1904, from *an order* of acquittal.	Six months ...	The date of the order appealed from.

on the ground of irregularity in publishing or conducting the sale or on the ground that the decree holder has purchased without the permission of the Court or on the ground that the person whose interest in the property purported to be sold had no saleable interest therein

THE FIRST SCHEDULE—contd.

Third Division : Applications.

Description of application	Period of limitation	Time from which period begins to run
158.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under *the summary procedure referred to in section 128 (2) (f) of the same Code.*	Do ...	When the summons is served.
160.—For an order under the same Code, *to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.*	Fifteen days ...	When the application for review is rejected.
161.—For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Do ...	The date of the decree or order.
162.—For a review of judgment by the Chief Court in the exercise of its original jurisdiction.	Twenty days ...	The date of the decree or order
163.—By a plaintiff, for an order to set aside a dismissal *for default of appearance or for failure to pay costs of service of process or to furnish security for costs.*	Thirty days ...	The date of the dismissal.
164.—By a defendant, for an order to set aside a *decree* passed *ex parte.*	Do ...	The date of the *decree or where the summons was not duly served, when the applicant has knowledge of the decree.*
165.—Under the Code of Civil Procedure by a person dispossessed of immovable property, and disputing the right of the decree holder or purchaser at a sale in execution of a decree to be put into possession.	Do ..	The date of the dispossession.
166.—Under the same Code *to set aside* a sale in execution of a decree.	Do ...	The date of the sale
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Do ...	The date of the resistance or obstruction.
168.—For the re-admission of an appeal dismissed for want of prosecution.	Do ...	The date of the dismissal.
169.—For the re-hearing of an appeal heard *ex parte.*	Do ...	The date of the decree in *appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.*
170.—For leave to appeal as a pauper.	Do ...	The date of the decree appealed from.
171.—Under the Code of Civil Procedure, for an order to set aside an abatement.	Sixty days ...	The date of the abatement.
172.—*Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.*	Do ...	*The date of the order of dismissal.*
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days ...	The date of the decree or order.
174.—For the issue of a notice under the same Code, to show cause why *any* payment *made out of Court of any money payable under a decree or any adjustment of the decree* should not be recorded as certified when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Do ...	From the date of executing such decree.

THE FIRST SCHEDULE—contd.

Third Division: Applications

Description of application	Period of limitation	Time from which period begins to run
175.—For payment of the amount of a decree by instalments.	Six months ...	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Do ...	The date of the death of the deceased plaintiff or appellant.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Do ...	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	*Do* ...	*The date of the award.*
178A.—For the issue of a notice under the Code of Civil Procedure to show cause why any payment made out of Court of any money payable under a decree or an adjustment of a decree should not be recorded as certified in cases other than those provided for in article 174.	One year ...	When the payment or adjustment is made
180.—By a purchaser of immovable property at a sale in execution of a decree for delivery of possession.	*Three years* ...	*When the sale becomes absolute.*
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by Section 48 of the Code of Civil Procedure.	Do ...	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by Section 48 of the Code of Civil Procedure.	Three years; or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or *the withdrawal* of the appeal, or 3. (where there has been a review of judgment) the date of the decision passed on the review, or *4. (where the decree has been amended) the date of amendment*, or 5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution or to take some step in aid of execution of the decree or order, or 6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice *to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure*, or 7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date. *Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in

THE FIRST SCHEDULE—concld.

Third Division : Applications.

Description of application	Period of limitation	Time from which period begins to run
		clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But, where the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all. Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all. *Explanation II.*—"Proper Court" means the Court whose duty it is to execute the decree or order.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 31.*)

Year	Number	Short title	Extent of repeal
1877	XV	The Indian Limitation Act, 1877, as ~~extended~~ applied to Mysore by the Government of India Notification, Foreign Department Judicial No. 174 J., dated the 26th October 1877.	The whole.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879, as ~~introduced into~~ applied to Mysore by the Government of India Notification No. 320, dated 19th November 1879.	The whole of Section 108.
1896	III	The Indian Limitation Act Amendment Regulation	The whole.

Legis 228/1910-11
Serial 2 2143
No. 964

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 18th February 1911.

SIR,

I am directed to acknowledge the receipt of Mr. Balasundaram Iyer's letter No.595 Pol. 1, dated the 23rd December 1910, forwarding, for the sanction of the Government of India, a draft of a Bill which the Mysore Durbar propose to enact so as to consolidate and amend the Law of Limitation now in force in the Mysore State.

2. In reply, I am to state that the Governor General in Council has accorded his consent to the draft Bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

17.2.11.

R. P. B.—21-1-1911.—4,000.

G.R.S. 28.]

Legis File No. 22-10
Serial No. 3

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Legis)

READ--

, the 19

Date of issue 15-5-11

Signed by Sm 8-19.

ORDER THEREON.—No. J 2136 / Legis 22-10.

Ordered that the Bill to Constitute and amend the law of the limitation of suits and for other purposes which received the assent of

over

SUBJECT.

19

GPB—10,000—19-4-10

His Highness the Maharaja
on the 5th May 1911. be published
for general information

SW(II)

Secretary to Govt.

To
The Compiler, Legislative Laws,
for publication of Notification x
as Regulation No II of 1911
in Part III of the Gazette in
English & Canarese for the
benefit of the general members
of the Bar & the Public

Copies of Translation needed
for record

(Copy already forwarded)

THE MYSORE LIMITATION REGULATION, 1911.

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THE FIRST SCHEDULE—LIMITATION.
THE SECOND SCHEDULE—ENACTMENTS REPEALED.

REGULATION No. IV OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

THE MYSORE LIMITATION REGULATION.

A Regulation to consolidate and amend the law for the Limitation of Suits and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; His Highness the Maharaja is pleased to enact as follows:- -

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PART I.

PRELIMINARY.

Short title extent and commencement.

1. (1) This Regulation may be called "the Mysore Limitation Regulation, 1911."

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1911.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "applicant" includes any person from or through whom an applicant derives his right to apply:

(2) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued:

(5) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another:

(6) "foreign country" means any country other than Mysore:

(7) "good faith": nothing shall be deemed to be done in good faith which is not done with due care and attention:

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue:

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum

of money to another at a time therein limited, or on demand, or at sight:

(10) "suit" does not include an appeal or an application: and

(11) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, etc., instituted, etc., after period of limitation.

3. Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Where Court is closed when period expires.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

Extension of period in certain cases.

5. Any appeal or application for a review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the Chief Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

Legal disability.

6. (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after

the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*c*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

Disability of one of several plaintiffs or applicants.

7. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Special exceptions.

8. Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations.

(*a*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*b*) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under section 6 read with this section.

(*c*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

Continuous running of time.

9. Where once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Suits against express trustees and their representatives.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

Suits on foreign contracts.

11. (1) Suits instituted in Mysore on contracts entered into in a foreign country are subject to the rules of limitation contained in this Regulation.

(2) No foreign rule of limitation shall be a defence to a suit instituted in Mysore on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

Exclusion of time in legal proceedings.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Exclusion of time of defendant's absence from Mysore.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from Mysore shall be excluded.

Exclusion of time of proceeding *bona fide* in Court without jurisdiction.

14. (1). In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2). In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Explanation I.—In excluding the time during which a former suit or application was pending, the day on which

that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.—For the purposes of this section, misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

Exclusion of time during which proceedings are suspended

15. (1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

Exclusion of time during which proceedings to set aside execution-sale are pending.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

Effect of death before right to sue accrues.

17. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in sub-sections (1) and (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, or where any document necessary to establish such right has been fraudulently concealed from him, the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when first he had the means of producing it or compelling its production.

Effect of acknowledgment in writing.

19. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of

such property or right has been made in writing, signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, subject to the provisions of the Indian Evidence Act, 1872, as applied to Mysore, oral evidence of its contents shall not be received.

Explanation I.—For the purposes of this section, an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III.—For the purposes of this section, an application for the execution of a decree or order is an application in respect of a right.

Effect of payment of interest as such or of part payment of principal.

20. (1) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a fresh period of limitation shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

Effect of receipt of produce of mortgaged land.

(2) When mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Explanation.—"Debt" includes money payable under a decree or order of Court.

Agent of person under disability.

21. (1) The expression "agent duly authorized in this behalf," in sections 19 and 20, shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Acknowledgment or payment by one of several joint contractors, etc.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

Effect of substituting or adding new plaintiff or defendant.

22. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment.

or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

Continuing breaches and wrongs.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Suit for compensation for act not actionable without special damage.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Illustration.

A owns the surface of a field. B owns the sub-soil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of suit by A against B runs from the time of the subsidence.

Computation of time mentioned in instruments.

25. All instruments shall, for the purposes of this Regulation, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(*a*) A Hindu makes a promissory note bearing a native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition of right to easements.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(2) Where the property over which a right is claimed under sub-section (1) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.

Explanation.—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to

or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Exclusion in favour of reversioner of servient tenement.

27. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Savings

29. Nothing in this Regulation shall—

(*a*) affect the Indian Contract Act, 1872, section 25, as applied to Mysore:

(*b*) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in Mysore.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877, as applied to Mysore.

30. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Regulation is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, as applied to Mysore, may be instituted within the period of two years next after the passing of this Regulation, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.

Repeals.

31. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

(See Section 3.)

FIRST DIVISION: SUITS.

Description of suit	Period of limitation	Time from which period begins to run
	Part II.—*Ninety days.*	
2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in Mysore.	Ninety days.	When the act or omission takes place.
	Part III.—*Six months.*	
3.—Under the Specific Relief Act, 1877, Section 9, to recover possession of immovable property.	Six months.	When the dispossession occurs.
5.—Under the summary procedure referred to in Section 128 (2) (*f*) of the Code of Civil Procedure.	Ditto ...	When the debt or liquidated demand becomes payable or when the property becomes recoverable.
	Part IV.—*One year.*	
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a household servant, artisan or labourer.	Ditto ...	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	Ditto ...	When the food or drink is delivered.
9.—For the price of lodging.	Ditto ...	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person, against whom an order has been made under the Code of Civil Procedure after an investigation of a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree, to establish the right which he claims to the property comprised in the order.	Ditto ...	The date of the order.
11 A.—By a person against whom an order has been made under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of	Ditto ...	Ditto

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—*One year*—contd.	
resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.		
12.—To set aside any of the following sales:— (*a*) sale in execution of a decree of a Civil Court; (*b*) sale in pursuance of a decree or order of a Deputy Commissioner or other officer of revenue; (*c*) sale for arrears of Government revenue, or for any demand recoverable as such arrears.	One year ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Ditto ...	The date of the final decision or order in the case by a Court competent to determine it finally.
14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto ...	The date of the act or order.
16.—Against Government under Section 222 (*a*) of the Mysore Land Revenue Code.	Ditto ...	When the claim or payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Ditto ...	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Ditto ...	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Ditto ...	When the imprisonment ends.
20.—By executors, administrators or representatives under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased.	Ditto ...	The date of the death of the person wronged.
21.—By executors, administrators or representatives under Regulation II of 1892 to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	Ditto ...	The date of the death of the person killed.
22.—For compensation for any other injury to the person.	Ditto ...	When the injury is committed.

THE FIRST SCHEDULE —*contd.*

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—*One year*—concld.	
23.—For compensation for a malicious prosecution.	One year ...	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel ...	Ditto ...	When the libel is published.
25.—For compensation for slander.	Ditto ...	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Ditto ...	The date of the distress.
29.—For compensation for wrongful seizure of movable property under legal process.	Ditto ...	The date of the seizure.
30.—Against a carrier for compensation for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	Ditto ...	When the goods ought to be delivered.
	Part V.—*Two years.*	
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years.	When the perversion first becomes known to the person injured thereby.
33.—Against an executor, administrator or other representative of a deceased person, for wrongs done by such person, where the executor, administrator or other representative is by law liable.	Ditto ...	When the wrong complained of is done.
36.—For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.	Ditto ...	When the malfeasance, misfeasance or non-feasance takes place.
	Part VI.—*Three years.*	
37.—For compensation for obstructing a way or a watercourse.	Three years.	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Ditto ...	The date of the diversion.
39.—For compensation for trespass upon immovable property.	Ditto ...	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Ditto ...	The date of the infringement.
41.—To restrain waste.	Ditto ...	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.

THE FIRST SCHEDULE—*contd.*

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—contd.	
43.—Under the Indian Succession Act, 1865, Section 320 or Section 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Three years.	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a transfer of property by his guardian.	Ditto ...	When the ward attains majority.
47.—By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure, 1904, or the Mysore Land Revenue Code, 1888, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
48.—For specific movable property lost, or acquired by theft or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto ...	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific movable property or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto ...	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or household furniture.	Ditto ...	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto ...	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ...	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto ...	When the work is done.
57.—For money payable for money lent.	Ditto ...	When the loan is made.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—contd.	
58.—Like suit when the lender has given a cheque for the money.	Three years	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Ditto ...	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand, including money of a customer in the hands of his banker so payable.	Ditto ...	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ...	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto ...	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Ditto ...	The day so specified.
67.—On a single bond, where no such day is specified.	Ditto ...	The date of executing the bond.
68.—On a bond subject to a condition.	Ditto ...	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto ...	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on	Ditto ...	The date of the bill or note.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI—*Three years*—contd.	
demand and not accompanied by any writing restraining or postponing the right to sue.		
74.—On a promissory note or bond payable by instalments.	Three years.	The expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Ditto ...	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The date of the delivery to the payee.
77.—On a dishonoured foreign bill, where protest has been made and notice given.	Ditto ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
79.—By the acceptor of an accommodation bill against the drawer.	Ditto ...	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto ...	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Ditto ...	When the surety pays the creditor.
82.—By a surety against a co-surety.	Ditto ...	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Ditto ...	When the plaintiff is actually damnified.
84.—By an Advocate or Pleader for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The date of the termination of the suit or business, or (where the Advocate or Pleader properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received to or by the insurer, whether by or from the plaintiff, or any other person.
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI—*Three years*—contd.	
88.—Against a factor for an account.	Three years.	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for movable property received by the latter and not accounted for.	Ditto ...	Ditto ditto ditto
90.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Ditto ...	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Ditto ...	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto ...	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Ditto ...	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Ditto ...	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.	Ditto ...	The date of the payment in excess of the plaintiff's own share.
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.
101.—For a seaman's wages.	Ditto ...	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Ditto ...	When the wages accrue due.
103.—By a Mahomedan for exigible dower (*mu'ajjal*).	Ditto ...	When the dower is demanded and refused or (where, during the continuance of the marriage, no such demand has been

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—concld.	
104.—By a Mahomedan for deferred dower (*mu'wajjal*).	Three years.	made) when the marriage is dissolved by death or divorce. When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
109.—For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	Ditto ...	When the profits are received.
110.—For arrears of rent ...	Ditto ...	When the arrears become due.
111.—By a vendor of immovable property to enforce personal liability for unpaid purchase money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion), the date of the acceptance.
112.—For a call by a company registered under any law in force.	Ditto ...	When the call is payable.
113.—For specific performance of a contract.	Ditto ...	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Ditto ...	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Ditto ...	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
	Part VII.—*Six years.*	
116.—For compensation for the breach of a contract in writing registered.	Six years ...	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Ditto ...	The date of the judgment.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VII.—*Six years.*—concld.	
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Six years.	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Ditto ...	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	When the right to sue accrues.
	Part VIII.—*Twelve years.*	
121.—To avoid incumbrances or undertenures in an entire estate sold for arrears of Government revenue or in other saleable tenure sold for arrears of rent.	Twelve years.	When the sale becomes final and conclusive.
122.—Upon a recognisance.	Ditto ...	The date of the recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto ...	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Ditto ...	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
125.—Suit during the life of a Hindu or Mahomedan female by a Hindu or Mahomedan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage.	Ditto ...	The date of the alienation.
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Ditto ...	When the alienee takes possession of the property.
127.—By a person excluded from joint family property, to enforce a right to share therein.	Ditto ...	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Ditto ...	When the arrears are payable.
129.—By a Hindu for a declaration of his right to maintenance.	Ditto ...	When the right is denied.
130.—For the resumption of assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrues.

THE FIRST SCHEDULE—*contd.*

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—*Twelve years*—contd.	
131.—To establish a periodically recurring right.	Twelve years	When the plaintiff is first refused the enjoyment of the right.
132.—To enforce payment of money charged upon immovable property.	Ditto ...	When the money sued for becomes due.
133.—To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Ditto ...	The date of the purchase.
134.—To recover possession of immovable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.	Ditto ...	The date of the transfer.
135.—Suit instituted by a mortgagee for possession of immovable property mortgaged.	Ditto ...	When the mortgagor's right to possession determines.
136.—By a purchaser at a private sale for possession of immovable property sold when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Ditto ...	When the judgment-debtor is first entitled to possession.
138.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Ditto ...	The date when the sale becomes absolute.
139.—By a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immovable property.	Ditto ...	When his estate falls into possession.
141.—Like suit by a Hindu or Mahomedan entitled to the possession of immovable property on the death of a Hindu or Mahomedan female.	Ditto ...	When the female dies.
142.—For possession of immovable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto ...	When the forfeiture is incurred or the condition is broken.

THE FIRST SCHEDULE—*concld.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—*Twelve years*—concld.	
144.—For possession of immovable property or any interest therein not hereby otherwise specially provided for.	Twelve years.	When the possession of the defendant becomes adverse to the plaintiff.
	Part IX—. *Thirty years.*	
145.—Against a depositary or pawnee to recover movable property deposited or pawned.	Thirty years.	The date of the deposit or pawn.
146A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
	Part X.—*Sixty years.*	
147.—By a mortgagee for foreclosure or sale.	Sixty years...	When the money secured by the mortgage becomes due.
148.—Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	Ditto ...	When the right to redeem or to recover possession accrues.
149.—Any suit by or on behalf of the Government of Mysore.	Ditto ...	When the period of limitation would begin to run under this Regulation against a like suit by a private person.

Second Division: Appeals.

Description of appeal	Period of limitation	Time from which period begins to run
150.—Under the Code of Criminal Procedure, 1904, from a sentence of death passed by a Court of Session.	Seven days.	The date of the sentence.
151.—From a decree or order of the Chief Court in the exercise of its original jurisdiction.	Twenty days.	The date of the decree or order.
152.—Under the Code of Civil Procedure to the Court of a District Judge, or a Subordinate Judge.	Thirty days.	The date of the decree or order appealed from.
154.—Under the Code of Criminal Procedure, 1904, to any Court other than the Chief Court.	Ditto ...	The date of the sentence or order appealed from.
155.—Under the same Code, to the Chief Court, except in the cases provided for by article 150 and article 157.	Sixty days.	Ditto ...
156.—Under the Code of Civil Procedure to the Chief Court except in cases provided for by article 151.	Ninety days.	The date of the decree or order appealed from.
157.—Under the Code of Criminal Procedure, 1904, from an order of acquittal.	Six months.	The date of the order appealed from.

THE FIRST SCHEDULE—*contd.*

Third Division: Applications.

Description of application	Period of limitation	Time from which period begins to run
158.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under the summary procedure referred to in Section 128 (2) (f) of the same Code.	Ditto ...	When the summons is served.
160.—For an order under the same Code, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.	Fifteen days.	When the application for review is rejected.
161.—For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Ditto	The date of the decree or order.
162.—For a review of judgment by the Chief Court in the exercise of its original jurisdiction.	Twenty days.	Ditto ...
163.—By a plaintiff, for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.	Thirty days.	The date of the dismissal.
164.—By a defendant, for an order to set aside a decree passed *ex parte*.	Ditto ...	The date of the decree or where the summons was not duly served, when the applicant has knowledge of the decree.
165.—Under the Code of Civil Procedure by a person dispossessed of immovable property, and disputing the right of the decree holder or purchaser at a sale in execution of a decree to be put into possession.	Ditto ...	The date of the dispossession.
166.—Under the same Code to set aside a sale in execution of a decree on the ground of irregularity in publishing or conducting the sale or on the ground that the decree-holder has purchased without the permission of the court or on the ground that the person whose interest in the property purported to be sold had no saleable interest therein.	Ditto ...	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Ditto ...	The date of the resistance or obstruction.
168.—For the re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.

THE FIRST SCHEDULE—*contd.*

Third Division: Applications.

Description of application	Period of limitation	Time from which period begins to run.
169.—For the re-hearing of an appeal heard *ex parte*.	Thirty days.	The date of the decree in appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.
170.—For leave to appeal as a pauper.	Ditto ...	The date of the decree appealed from.
171.—Under the Code of Civil Procedure, for an order to set aside an abatement.	Sixty days...	The date of the abatement.
172.—Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	Ditto ...	The date of the order of dismissal.
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days.	The date of the decree or order.
174.—For the issue of a notice under the same Code, to show cause why any payment made out of Court of any money payable under a decree or any adjustment of the decree should not be recorded as certified when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Ditto ...	From the date of executing such process.
175.—For payment of the amount of a decree by instalments.	Six months.	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Ditto ...	The date of the death of the deceased plaintiff or appellant.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Ditto ...	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	Ditto ...	The date of the award.
178A.—For the issue of a notice under the Code of Civil Procedure to show cause why any payment made out of Court of any money payable under a decree or an adjustment of a decree should not be recorded as certified in cases other than those provided for in article 174.	One year ...	When the payment or adjustment is made.

THE FIRST SCHEDULE.—*contd.*

Third Division : Applications.

Description of application	Period of limitation	Time from which period begins to run
180.—By a purchaser of immovable property at a sale in execution of a decree for delivery of possession.	Three years.	When the sale becomes absolute.
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by Section 48 of the Code of Civil Procedure.	Ditto ...	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by Section 48 of the Code of Civil Procedure.	Three years; or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or the withdrawal of the appeal, or 3. (where there has been a review of judgment) the date of the decision passed on the review, or 4. (where the decree has been amended) the date of amendment, or 5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution or to take some step in aid of execution of the decree or order, or 6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure, or 7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date. *Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject matter as payable or deliverable to each, the application mentioned in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But, where the decree or order has been passed jointly in favour of more persons than one, such application, if

THE FIRST SCHEDULE—*concld.*

Third Division: Applications.

Description of application	Period of limitation	Time from which period begins to run
		made by any one or more of them, or by his or their representatives, shall take effect in favour of them all. Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all. *Explanation II.*—"Proper Court" means the Court whose duty it is to execute the decree or order.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 31.*)

Year	Number	Short title	Extent of repeal
1877	XV	The Indian Limitation Act, 1877, as applied to Mysore by the Government of India Notification, Foreign Department, Judicial No. 174 J., dated the 26th October 1877.	The whole
1879	XII	The Registration and Limitation Acts Amendment Act, 1879, as applied to Mysore by the Government of India Notification No. 320, dated 19th November 1879.	The whole of Section 108.
1896	III	The Indian Limitation Act Amendment Regulation.	The whole.

T. ANANDA ROW,
Dewan.

G.R.S. 26]

File No. 22-10
Serial No. 4

Diary No. of letter replied to

No.

General and Revenue Secretariat
( )
, *the* 19 .

To
Hon F. A. Resident-
Bangalore

Date of issue 9-6-11.

Signed by
Hon B Ramalwamanayya

Sir

I am directed to forward herewith a copy of the Regn IV of 1911, a Regn to consolidate and amend the law relating for the Limitation of Suits and for other purposes with 9 spare copies and to request that a copy may, as usual, be forwarded to His Highness the Nizam's Govt.

I have &c

for Offg. Secretary to Govt.

SUBJECT.